

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33578 of 2020**

Arising Out of PS. Case No.-82 Year-2020 Thana- PUNAURA District- Sitamarhi

1. CHHOTU KUMAR @ MALINGA S/o Anil Mandal R/o Village-Murliya Chak, P.S.-Sitamarhi, District-Sitamarhi.
2. Badal Kumar S/o Pallu Patel R/o Village-Kamrauli, P.S.-Sheohar, District-Sheohar, at present R/o village-Murliya chak, P.S.-Sitamarhi, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Alok Kumar Alok  
For the Opposite Party/s : Mr. Gajuri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      14-12-2020      Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners and learned APP for the State.

At the very outset, it is submitted on behalf of the petitioners that during pendency of this application, the petitioner No. 1 namely, Chhotu Kumar @ Malinga has already



been granted bail by Juvenile Justice Board. Hence, this application with respect to petitioner No. 1 has become infructuous.

Accordingly, this application with respect to petitioner No. 1 is dismissed as withdrawn being infructuous.

The petitioner No. 2 seeks bail in a case for the offence registered under Sections 302, 201/34 of the Indian Penal Code.

Prosecution case in short is that on 20-06-2020 in the evening at 4.00 p.m. the son of the informant went out from his house but he did not return. It is further alleged that the dead body of the informant's son was found hanging with the bamboo.

It has been submitted on behalf of the petitioner No. 2 that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 22-06-2020. Charge sheet/Prosecution report in this case has already been submitted. The petitioner No. 2 has been falsely implicated in the present case. It is a case of last seen. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest



the participation of the petitioner No. 2 in the present case. The other co-accused with similar allegation has been granted bail by this court vide order dated 02-12-2020 passed in Cr. Misc. No. 31296 of 2020.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner No. 2, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Punaura P.S. Case No. 82 of 2020.

**(Sudhir Singh, J)**

A.K.V.//-

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